IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.698 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.P.P.Prabhu for the petitioners.

Mr.S.Malik for Respondent no.1.

Mr.Rajesh More APP for the State.

Coram : R.S.Mohite,J

Date : 7.4.2006.

PC

1. Heard Advocate for the petitioners. The grievance made in this petition is that the complaint under Section 138 of the Negotiable Instruments Act has been filed in the Court without jurisdiction. It is seen that C.C.No.583/SS/2005 has been filed in the Court of Metropolitan Magistrate, 23rd Court, Esplanade, Mumbai. It is not disputed that it was filed in the said Court as the Advocate's notice was issued from the office of the Advocate which is situated in the jurisdiction of this Court.

Reliance is placed upon the judgment of the Court in the case of **Pradeep Ghadia V/s. State of Maharashtra** which is delivered in Writ petition no.1351 of 2002 by Justice A.S.Oka on 13.9.2005. Advocate for the respondents however, states that he has no objection if the matter is transferred to Borivali Court as both the Advocates admit that the said Court has jurisdiction. In the circumstances, in view of the judgment of this Court referred to (supra), the Criminal case no.583/SS/2005 is transferred from the file of Metropolitan Magistrate, 23rd Court, Esplanade, Mumbai to the Court of Metropolitan Magistrate at Borivali having jurisdiction to conduct the matters under Section 138 of the Negotiable Instruments Act. With this direction petition stands disposed of. It is made clear that the Court in which the matter is transferred will

proceed with the trial from its present stage. The papers to be sent urgently and the matter to be listed before the Metropolitan Magistrate, Borivali on 6.6.2006.

(R.S.Mohite,J)